

Board of Registration of Hearing Instrument Specialists  
Meeting Held by Telephone Conference  
Date: April 22, 2020 Time: 10:00 am

Public Session Meeting Minutes

**Board Members Present by phone:**

Eugene Antonell, Chair (EA)  
Stanley Zoll (SZ)  
Loleata Wigall, Secretary (LW)  
Camille Catalano (CC)

**Staff Present by phone:**

Michael Hawley, Executive Director  
Lynn Read, Board Counsel

**Members of the Public Present by phone:**

Doug Wallace  
Janice Peters

**Called To Order:**

- The meeting was called to order at 10:05 a.m. by EA.
- The Executive Director reviewed exit procedures in the case of a fire.

**Board Business:**

- Review of Minutes:
  - January 17, 2020 – Tabled..
- Report from Executive Director, Michael Hawley
  - Board Audit – Mr. Hawley reported that the audit of the Hearing Instrument Board by the office of the state auditor has been completed and an audit report has been issued. The Auditors made one finding regarding the Board's inability to meet consistently due to lack of a quorum. The Auditors review of applications and licenses found that the board had properly processed applications during the audit period.
  - Staffing – Mr. Hawley reported that board staff is working mostly from home with staff members going into the office several times a week to handle matters that must be handled in person.
- Report from Legal Counsel Lynn Read
  - Attorney Read reported that the FDA has not yet published regulations regarding sales of over-the-counter hearing aids.

**Apprenticeship Extension Requests**

- **Doug Wallace**- Mr. Wallace appeared before the board (by phone) to request an extension of his apprenticeship. This is his first request for an extension. **A MOTION was made by LW to grant an 18 month extension of Mr. Wallace's apprenticeship. CC seconded. The motion passed on a roll call vote: CC – "Yes"; EA – "Yes"; SZ – "Yes"; LW – "Yes".**
- **Janice Peters**- Ms. Peters appeared before the board to request an extension of her apprenticeship and for permission to take the IHS exam a fourth time. This is her first request for an extension. **A MOTION was made by LW to grant an 18 month extension of Ms. Peters' apprenticeship**

along with permission to take the IHS exam a fourth time. SZ seconded. The motion passed on a roll call vote: CC – “Yes”; EA – “Yes”; SZ – “Yes”; LW – “Yes”.

**Discussion:**

- **Impacts of COVID-19**

- **IHS exam Availability:** The Board received a letter from the International Hearing Society indicating that, due the COVID-19 Pandemic, testing centers in Massachusetts have been closed. Thus applicants who need to take the exam to obtain licensure have been unable to do so. The Board discussed the effects that this would have on apprentices who have fulfilled all licensure requirements but still need to pass the exam in order to obtain their licenses. The Board agreed that apprenticeships should be extended in order to allow apprentices to continue working while they await test center reopening. **A MOTION was made by SZ to delegate to staff the ability to approve temporary apprenticeship extensions to individuals unable to proceed with the licensing process due to test center closures. This delegation will remain in effect until test centers become available in Massachusetts again. LW seconded. The motion passed on a roll call vote: CC – “Yes”; EA – “Yes”; SZ – “Yes”; LW – “Yes”.**
- **Telepractice:** The Board had a brief discussion of telepractice and its applicability to hearing instrument specialists. Members discussed that audiograms will likely expire while patients are unable to obtain a new one due to COVID-19 related closures.
- **Processing Paper Applications:** Mr. Hawley reported that paper applications are still being processed with some delays due to staff only going to the office intermittently. Staff members recommend that applicants submit applications online.
- **Apprenticeship Extension requests:** The Board agreed that requests for apprenticeship extensions can continue to be reviewed directly by the Board, with the exception of temporary extensions due to unavailability of exams. Applicants may attend Board meetings by teleconference or telephone in support of their petitions.
- **Certificates:** The Board discussed the fact that the signing of certificates by two Board members has been rendered more difficult due the fact that board meetings are now held remotely and the members who need to sign the certificates often will not be present together in the same room. In order to facilitate the issuance of wall certificates, it was agreed that Authority to sign the certificates be delegated to the executive director. **A MOTION was made by CC to delegate to the Board’s executive director the authority to sign wall certificates for licensees and apprentices., LW seconded. The motion passed on a roll call vote: CC – “Yes”; EA – “Yes”; SZ – “Yes”; LW – “Yes”.**
- **Other Impacts:** No Discussion.

- **CORI Policy:** **A MOTION was made by LW to approve the CORI policy below. SZ seconded. The motion passed on a roll call vote: CC – “Yes”; EA – “Yes”; SZ – “Yes”; LW – “Yes”.**

To assist applicants in understanding when a crime may lead to a license denial, the Board of registration of Hearing Instrument Specialists (“Board”) has created this policy, which explains when

a conviction rises to the level where it could lead to a license denial. Pursuant to Chapter 69 of the Acts of 2018 (An Act Relative to Criminal Justice Reform), the Board is required to provide "a list of the specific criminal convictions that are directly related to the duties and responsibilities for the licensed occupation that would disqualify an applicant from eligibility for a license." The Board has determined that no single conviction, on its own, would disqualify an applicant from being eligible for a license. However, other factors, such as a conviction being very recent, the applicant having a history of other criminal convictions, or the conviction involving aggravating factors (such as a crime being caused by substance abuse issues, the crime being part of a pattern of violence, the matter leading to a level 3 Sex Offender designation, etc.) might justify denying a license to an otherwise eligible candidate. As a result any conviction could lead to a license denial. This includes ALL the crimes listed on the Master Crime List issued by the Massachusetts Sentencing Commission and found at this link:

<https://www.mass.gov/files/documents/2016/08/my/mastercrimelist.pdf>

The Executive Director is authorized, in conjunction with Board Counsel, to review the records of criminal convictions and pending criminal cases received from the Department of Criminal Justice Information Services to determine whether review or an appearance before the Board is necessary for an applicant for the Board's professions who has answered positively in response to an application question regarding the existence of past convictions. For the purposes of this procedure, 'conviction' is the same as the definition of conviction appearing in the Board's regulations at 260 Code Mass. Regs. § 2.02(4), as follows:

The term "conviction" means any of the following:

- (a) a final judgment entered after a jury verdict of guilty or a judicial finding of guilty;
- (b) a plea of guilty;
- (c) a plea of *nolo contendere* (no contest); or
- (d) any other plea or finding which is treated by the court as a plea or finding of guilty.

The standards in 260 CMR 2.02(4)(a) through (d) shall apply regardless of the law of the jurisdiction in which the disposition occurred.

In determining who must appear before the Board, the Executive Director and Board Counsel shall act in a manner consistent with the following guidelines.

An applicant must be reviewed and/or appear at a Board meeting where:

1. The applicant has been convicted of any felony;
2. The applicant has been convicted of any motor vehicle offense involving the loss of life;
3. The applicant has been convicted of two (2) or more misdemeanors within the past ten (10) years;
4. The applicant has a pending criminal case concerning an open felony criminal charge, not including motor vehicle operation related offense, for which a disposition has not yet been entered;
5. The applicant has been convicted or has a pending criminal case that involves sexual misconduct or physical harm; and
6. The applicant has been convicted or has a pending criminal case that related to fraudulent activities.

In addition to the above, the Executive Director or Board Counsel is authorized to require Board review and/or an appearance before the Board related to any applicant whose record contains any conviction or pending charge that the Executive Director or Board Counsel believe the Board should review. In evaluating whether an appearance is necessary, the Executive Director and Board Counsel will consider multiple factors, including but not limited to: whether the applicant has been convicted of or charged with an offense that involves sexual misconduct, fraud, dishonesty or deceit or an offense that calls into question the applicant's ability to practice the Board's professions in accordance with accepted standards of sound professional practice.

Applicants who fail to disclose their complete and accurate conviction information in response to the application question or the renewal process shall be notified by the Executive Director or Board Counsel and may be allowed the opportunity to amend their application or renewal response. In the case of an applicant's or licensee's failure or refusal to amend, or where there is concern regarding an applicant's or licensee's misrepresentation or lack of candor in a response, the Board will require an appearance before the Board and may deny an application or renewal.

- **Review of Board Regulations, 265 CMR 2.00 – 10.00-**  
A MOTION was made by SZ to table review of the regulations until the next meeting. CC seconded. The motion passed on a roll call vote: CC – “Yes”; EA – “Yes”; SZ – “Yes”; LW – “Yes”.

**Open Session for Topics not reasonably anticipated 48 hours in advance of the meeting:**

None.

**12:36 p.m. Adjournment:**

LW moved to adjourn the meeting. CC seconded. The motion passed on a roll call vote: CC – “Yes”; EA – “Yes”; SZ – “Yes”; LW – “Yes”.

Respectfully Submitted,



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Michael Hawley  
Executive Director

**Documents used in Public Session:**

- Agenda for April 22, 2020 Board meeting
- Apprenticeship Extension request from Doug Wallace
- Apprenticeship Extension request from Janice Peters
- Draft HE CORI Policy 4.22.2020
- Audit Report - Board of Registration of Hearing Instrument Specialists

- Press Release - Board of Registration of Hearing Instrument Specialists
- HE IHS Email regarding Exam Availability
- Article - FDA rules for OTC hearing aids delayed till 2020